

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

ROY ROBINSON,

Plaintiff,

v.

MARTY ALLEN,

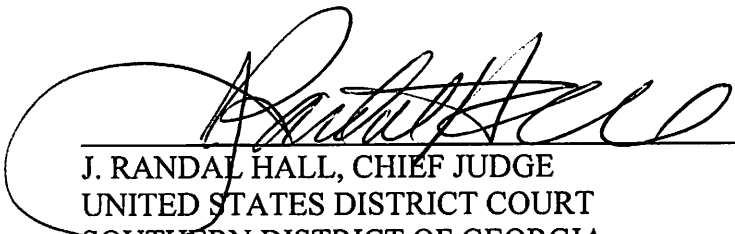
Defendant.

CIVIL ACTION NO.: 6:17-cv-85

ORDER

Presently before the Court is Plaintiff's Notice of Voluntary Dismissal. (Doc. 5.)¹ Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), the Court **GRANTS** Plaintiff's Motion and **DISMISSES** this case **WITHOUT PREJUDICE**. The Court **DIRECTS** the Clerk of Court to enter an appropriate judgment of dismissal and to **CLOSE** this case.

SO ORDERED, this 7th day of June, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

¹ Plaintiff actually submitted a letter requesting the Court to "drop this claim" due to his release from Georgia State Prison. (Doc. 5, p. 1.) Accordingly, the Court shall recast Plaintiff's letter as a Notice of Voluntary Dismissal. (See Doc. 4, p. 3.) "Federal courts sometimes will ignore the legal label that a *pro se* litigant attaches to a motion and recharacterize the motion in order to place it within a different legal category." Retic v. United States, 215 F. App'x 962, 964 (11th Cir. 2007) (quoting Castro v. United States, 540 U.S. 375, 381 (2003)). Federal courts "may do so in order to avoid an unnecessary dismissal, to avoid inappropriately stringent application of formal labeling requirements, or to create a better correspondence between the substance of a *pro se* motion's claim and its underlying legal basis." Id. (quoting Castro, 540 U.S. at 381-82).